

REMARKS

Applicants thank the Examiner for the careful consideration of this application. Claims 1-26 are currently pending. New claims 20-26 have been added. Applicants appreciate the Examiner's indication that claims 2, 10-12, 14, and 19 are directed to allowable subject matter. Based on the foregoing amendments and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Objections to the Drawings

The Examiner objected to the drawings under 37 C.F.R. § 1.83(a) for allegedly failing to show various features of the invention specified in the claims. The individual objections are addressed below.

First, the Examiner objected to the drawings for allegedly failing to show "the relative depths of the middle portion with respect to the upper and lower portions, as claimed in claims 4-6 and 16." Figure 4 has been amended to depict the depth "D" of the middle portion, the thickness "T₁" of the upper portion, and the thickness "T₂" of the lower portion. The specification has been amended to refer to these dimensions. No new matter has been entered by these amendments.

The Examiner also objected to the drawings for allegedly failing to show the "vertical rib being an indentation in the vacuum panel as claimed in claim 11." Applicants respectfully disagree, and direct the Examiner's attention to Figure 9 of the application, which shows the vertical ribs 360 as indentations in the vacuum panel 320.

For the above reasons, the Applicants respectfully submit that the objections to the drawings have been overcome and should be withdrawn.

Objections to the Specification

The Examiner objected to the specification for allegedly failing to provide “clear antecedent basis for the relative depths claimed in claims 5 and 6.” As discussed above, Figure 4 has been amended to depict the depth “D” of the middle portion, and the depth, or thickness “T” of the upper and lower portions. The specification has been amended at paragraph 35 to refer to these dimensions. No new matter has been entered by these amendments. Applicants respectfully request that these objections be withdrawn.

Claim Rejections under 35 U.S.C. § 102

Claims 1, 3, 7-9, 13, 15, 17, and 18 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,920,992 to Lane et al. Applicants respectfully traverse this rejection. Independent claim 1 recites a plastic container comprising, *inter alia*, a raised island protruding from the vacuum panel and surrounded by the vacuum panel, cross sectional areas of the island being defined as areas in horizontal planes of the container; an upper portion of the island; a middle portion of the island adjacent to the upper portion; and a lower portion of the island adjacent to the middle portion; ***wherein a cross sectional area of the middle portion is less than a cross sectional area of the upper portion and less than a cross sectional area of the lower portion.*** (Emphasis added.) Independent claim 13 recites a method of reducing deformation in a plastic container having similar limitations to claim 1.

Lane does not disclose or suggest a plastic container having an island wherein a cross

sectional area of the middle portion is less than a cross sectional area of the upper portion and less than a cross sectional area of the lower portion. In contrast, Lane discloses *two distinct islands*, with each island having constant cross sectional area throughout its upper, middle, and lower portions. (See Lane, col. 7, line 67 – col. 8, line 2 (“two islands 134 are shown”); Figure 8 (showing constant cross sectional area of islands 134).) The space between the two distinct islands of Lane acts as a hinge point about which the vacuum panel 132 bends when the container is under vacuum or pressure, as shown in Figure 9 of Lane. This bending can adversely affect any labeling that is applied over the vacuum panel 132 and attached to the islands 134. In addition, bending of the vacuum panel 132 can result in non-uniform vacuum or pressure absorption by the vacuum panel 132. The claimed invention, on the other hand, provides more even absorption by the vacuum panel, and increased control over any labels attached to the island. For the above reasons, Applicants submit that independent claims 1 and 13, and their dependent claims, are patentable over Lane. Applicants respectfully request withdrawal of this rejection.

Claim Rejections under 35 U.S.C. § 103

Claims 4-6, and 16 stand rejected under 35 U.S.C. § 103(a) as being obvious over Lane in view of WO 97/34808 to Tobias. Claims 4-6 depend from independent claim 1, and claim 16 depends from independent claim 13. As discussed above, claims 1 and 16 are patentable over Lane, and Tobias does not provide the missing disclosure. Accordingly, claims 4-6 and 16 are patentable over Lane and Tobias, whether considered alone or in combination. Applicants respectfully request withdrawal of this rejection.

New Claims

New claims 20-26 have been added. Independent claim 20 recites, *inter alia*:

a raised island protruding from the vacuum panel and defined by left and right borders that delimit the island from the vacuum panel, the island including an upper portion, a middle portion adjacent to the upper portion, and a lower portion adjacent to the middle portion;

wherein a first distance extends horizontally along the exterior surface of the upper portion of the island between the left border and the right border, a second distance extends horizontally along the exterior surface of the lower portion of the island between the left border and the right border, and a third distance extends horizontally along the exterior surface of the middle portion of the island between the left border and the right border, with the third distance being less than the first distance and less than the second distance.

Applicants respectfully submit that none of the prior art of record discloses or suggests such an arrangement. Accordingly, Applicants respectfully request allowance of claim 20 and its dependent claims 21-26.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants, therefore, respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn.

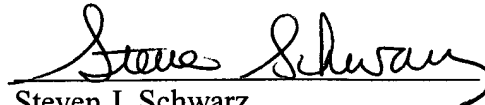
Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is hereby invited to telephone the undersigned at the number provided.

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Appl. No. 10/658,797

Prompt and favorable consideration of this Amendment is respectfully requested.

Respectfully submitted,

Date: November 9, 2005

A handwritten signature in cursive script, reading "Steve Schwarz", written over a horizontal line.

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Enclosures:

Replacement Drawing Sheet 4 of 9

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AMENDMENTS TO THE DRAWINGS

Please replace current drawing sheet 4 of 9, containing Figure 4, with the attached replacement drawing sheet 4 of 9, in which Figure 4 has been amended, as described in detail in the Remarks section of this paper.